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FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			BRIER, JEFFERY A	
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			2628	

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/773,320	HENRY, FELIX	
	Examiner	Art Unit	
	Jeffery A. Brier	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 February 2006.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-37 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-37 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 28 February 2006 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Response to Amendment***

1. The amendments filed on 02/28/2006 have been entered. The replacement sheets of drawings for figures 1 and 2 are acceptable and they overcome the objection to the drawings set forth in the office action mailed on 11/28/2005. The request to acknowledge receipt of the foreign priority has been considered, however, since the foreign priority document is not present in the IFW file acknowledgement is limited to the indication on the transmittal letter that item 15 is checked and the return postcard submitted by applicant indicates foreign priority document was filed. The amendments to pages 1 and 6 overcomes the objection to the specification regarding hyperlinks. The amendment to claim 36 overcomes the objection to that claim. The amendment to claim 35 overcomes the "single means" rejection of this claim. The amendments to the claims regarding the 35 USC 112 second paragraph issues overcomes most of the issues except for the ones outlined below for claims 11, 14, 15, and 37.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in France on 02/18/2003. It is noted, however, that a certified copy of the French application as required by 35 U.S.C. 119(b) is not present in the IFW file.

Response to Argument

3. Applicants arguments filed on 02/28/2006 have been fully considered, however, they are deemed not to be persuasive because the application as filed does not convey the argued language added to the claims, "at least one management function in a computer executable language for navigation in the image". The specification at page 11 lines 14-23 describes using ActionScript to implement the management functions and to write the SWF files but it does not describe writing in the first file at least one management function in a computer executable language for navigation in the image. This section of applicants specification states:

These functions are implemented in ActionScript language, which makes it possible to write the SWF files. In the above example, they comprise a comparison of the requested area and its resolution with the available areas and their resolutions. In the event of incompatibility, an appropriate processing is implemented in these functions. For example, in the event of a navigation request which is incompatible with the available zoomable areas, it is possible not to execute the navigation instruction and to display a text of the "No data available for performing this action" type. This text is created by means of the createTextField() function available in ActionScript language. These functions, together with other examples thereof, are more detailed in the decoding part.

Thus, for prior art purposes this claim language is given a meaning broader than writing a computer executable language, such as ActionScript, in the first file and will be given a meaning such as data written in a format to allow a computer to determine how to manage the image written in the first file. For 35 USC 112 purposes the added language is considered to be not supported by the specification since it is not conveyed by the originally filed application as a whole.

The argument concerning claim 37 and the 101 issue has been fully considered but due to the claims breadth the claim is still non-statutory for at least the reasons that “storage means readable” is a very broad means which includes paper and paper is readable by a computer via a scanner or other reader and “a program implementing the method” is a very broad program including a high level program or interpretive program written on paper.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The originally filed application as a whole does not convey that applicant had possession of the language added to independent claims 1, 11, 17, and 27. These claims were amended to claim “at least one management function in a computer executable language for navigation in the image”. The specification at page 11 lines 14-23 describes using ActionScript to implement the management

functions and to write the SWF files but it does not describe the now claimed writing in the first file (a first SWF file) at least one management function in a computer executable language (ActionScript) for navigation in the image to allow a computer to determine how to manage the image written in the first file (the first SWF file).

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 37 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: having the program cause the microprocessor perform the method.

8. Claims 11-16, 35, and 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11:

At line 9 applicant deleted "function" making the amended phrase "at least one management" unclear as to its meaning.

Claim 12:

This claim recites the limitation "the step of executing the at least one management function". There is insufficient antecedent basis for this limitation in each of these claims due to the deletion in claim 11 line 9 of "function".

Claims 14 and 15:

These claims recite the limitation "said step of executing the at least one management function". There is insufficient antecedent basis for this limitation in each of these claims due to the deletion in claim 11 line 9 of "function".

Claims 13, 16, 35, and 37:

These dependent claims do not correct the issue found in parent claim 11.

Claim Rejections - 35 USC § 101

9. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

10. Claim 37 is rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. These claims are programs per se.

Claim 37 claims an information storage means readable by a computer. This is a very broad "means" which includes paper and paper is readable by a computer via a scanner or other reader. This claim further claims storing a program implementing the method according to claims 1 or 11. This is very broad because a program implementing a method includes a high level program or

interpretive program written on paper. Refer to the "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility published on the USPTO website on October 26, 2005,

http://www.uspto.gov/web/offices/pac/dapp/opla/preognnotice/guidelines101_20051026.pdf

and published in the OG 22Nov2005

<http://www.uspto.gov/web/offices/com/sol/og/2005/week47/patgupa.htm>.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1-3, 6, 7, 10-14, 16, 17-19, 22, 23, 26-30, and 32-37 are rejected under 35 U.S.C. 102(b) as being anticipated by The article by Cheong S Ang, Peter Brantley, Michael Doyle. Polymap: A Versatile Client-Side Image Map for

the Web, Proceedings of the Fourth WWW Conference at Boston, Dec 1995, pgs

1-10 describes in detail the ploymap system.

These claims do not clearly define the scope of the phrases "zoomable area" and "zoomable area being defined by characteristics of location of the area in the image and for which additional data are available". These claims do not define additional data, thus, the additional data from a WWW link that a user may retrieve when the mouse pointer is moved over a hotspot meets this broad claim limitation and additionally this additional data is a type of zooming since it allows further information with regard to an area to be displayed to the user.

Since the specification does not define "a computer-executable language" written in the first file, then, the polymap instructions meets this newly added claim limitation since they are a language that is executed by a computer.

A detailed analysis of the claims follows.

Claim 1:

Polymap teaches a method of creating a file (see "*The solution*" section, *an image file contains both image information as well as additional information.*) describing a digital image, comprising the steps of:

defining at least one zoomable area in the image, a zoomable area being defined by characteristics of location of the area in the image and for which additional data are available (*Certain areas of the map have additional data and the remaining areas do not. As discussed above these are considered to be zoomable because they have "additional data available".*);

writing the characteristics of the at least one zoomable area in a first file
(See the sections title *The Solution and Implementation*. In the implementation section *JPEG files are discussed..*); and

writing in the first file at least one management function in a computer-executable language (*Since the specification does not define “a computer-executable language” written in the first file, then, the polymap instructions meets this newly added claim limitation since they are a language that is executed by a computer.*) for navigation in the image (*The locations in the image which have additional information is written into the same JPEG file or image file which locations are navigation information because they manage which areas the operating system will recognized as having a link to additional data.*).

Claim 2:

Polymap teaches the method according to claim 1, wherein the at least one management function relates to at least one area of the image which is not a zoomable area (*The information written into the comment blocks of the JPEG files, for example, relates to both zoomable and non-zoomable areas.*).

Claim 3:

Polymap teaches the method according to claim 2, wherein the at least one management function comprises a step of displaying a message (*In the next to last paragraph on page 4 of 10 it is seen the area with additional information available will be highlighted when the cursor passes over that area, this is a displaying a message concerning navigation relating to additional data.*).

Claim 6:

Polymap teaches the method according to claim 1, wherein the writing of the characteristics is performed by object instancing (*Since the polygons of the polymap are grouped and stored into the same file then object instancing is being performed by the writing into a single file.*).

Claim 7:

Polymap teaches the method according to claim 1, further comprising the steps of compression of the image (*See the last paragraph on page 4 of 10 which discusses compression of the image in the image portion of the polymap file.*) and storage of the compression data in a second file (*The polymap file is considered to be a second file and the original image is considered to be a first file.*), the compression data enabling reconstruction of the image and further containing said additional data (*The polymap file has the compressed image and the additional data which at least links to additional data.*).

Claim 10:

Polymap teaches the method according to claim 1, wherein the image has a given quality and wherein the additional data define at least one additional quality for the zoomable area (*The term quality is a broad term and is met by the image and by the additional data for the zoomable area of the image.*).

Claims 17, 18, 19, 22, 23, and 26:

These claims are means plus function device claim version of method claims 1, 2, 3, 6, 7, and 10 which claim the same functions of claims 1, 2, 3, 6, 7, and 10. Claims 17, 18, 19, 22, 23, and 26 are rejected for the same reasons

given above for claims 1, 2, 3, 6, 7, and 10. Additionally the corresponding means of Polymap are the same as or equivalent to applicants claimed means.

Claim 11:

Polymap teaches a method of reading a file describing a digital image comprising the steps of:

reading characteristics of at least one zoomable area in a first file, a zoomable area being defined by characteristics of location of the area in the image and for which additional data are available (*Certain areas of the map have additional data and the remaining areas do not. As discussed above these are considered to be zoomable because they have “additional data available”.*);

receiving a navigation instruction (*The user moving the cursor is a navigation instruction. The user clicking on a hotspot is another navigation instruction.*);

reading at least one management function in a computer-executable language (*Since the specification does not define “a computer-executable language” written in the first file, then, the polymap instructions meets this newly added claim limitation since they are a language that is executed by a computer.*) for navigation in the image, in the first file (*The polymap file has hotspot information stored in, for example, the comment field of an image file.*); and

executing the at least one management function (*If the cursor is over a hotspot area and the user selects additional information then the function is executed by the computer.*).

Claim 12:

Polymap teaches the method of claim 11, further comprising the step of testing compatibility between the navigation instruction and the characteristics of the at least one zoomable area,

wherein the step of executing the at least one management function occurs only if the result of the said testing step is incompatibility (*If the cursor is over an area that is not a hotspot then execution of the navigation instruction, mouse click, then execution will not occur because there is no additional information. Likewise when the cursor is over an area that is a hotspot then execution of the navigation instruction, mouse click, will cause execution of the navigation instruction to occur because there is additional information.*).).

Claim 13:

Polymap teaches the method according to claim 11, wherein the navigation instruction comprises an instruction included in a list consisting of an instruction to move in the image and a zoom instruction (*This limitation is broad and is covered by the retrieving of additional data.*).

Claim 14:

Polymap teaches the method according to claim 11, wherein said step of executing the at least one management function comprises the display of a message (*In the next to last paragraph on page 4 of 10 it is seen the area with additional information available will be highlighted when the cursor passes over that area, this is a displaying a message concerning navigation relating to additional data.*).

Claim 16:

Polymap teaches the method according to claim 12, further comprising the step of decompressing the additional data, if the result of the compatibility test is positive (*The links data from a HTTP site will be compressed for at least transmission purposes, thus, the received additional data is decompressed.*).

Claims 27, 28, 29, 30, and 32:

These claims are means plus function device claim version of method claims 11, 12, 13, 14, and 16 which claim the same functions of claims 11, 12, 13, 14, and 16. Claims 27, 28, 29, 30, and 32 are rejected for the same reasons given above for claims 11, 12, 13, 14, and 16. Additionally the corresponding means of Polymap are the same as or equivalent to applicants claimed means.

Claim 33:

Polymap teaches the device according to claim 17, wherein said defining means and said writing means are incorporated in
a microprocessor (*Inherent in the Windows computer running the polymap program.*),

a read only memory containing a program for processing the data
(*Inherent in the Windows computer running the polymap program.*), and
a random access memory containing registers adapted to record the variables modified during execution of the program (*Inherent in the Windows computer running the polymap program.*).

Claim 34:

Polymap teaches the device according to claim 27, wherein said reading means, said receiving means and said executing means are incorporated in:

a microprocessor (*Inherent in the Windows computer running the polymap program.*),

a read only memory containing a program for processing the data (*Inherent in the Windows computer running the polymap program.*), and

a random access memory containing registers adapted to record the variables modified during the execution of the program (*Inherent in the Windows computer running the polymap program.*).

Claim 35:

Polymap teaches a digital image processing apparatus (*This apparatus is a met by the image processing performed by the Polymap program on the original image.*) adapted to implement the method according to claim 1 or 11 because the computer and program performing the method is the means adapted to implement the method taught by Polymap to be old and well known.

Claim 36:

Polymap teaches a digital image processing apparatus (*This apparatus is a met by the image processing performed by the Polymap program on the original image.*) comprising the device according to claim 17 or 27 because the computer and program performing the method is the device that implements the method taught by Polymap to be old and well known.

Claim 37:

Polymap teaches an information storage means readable, by a computer or by a microprocessor, integrated or not into the device, possibly removable, and storing a program implementing the method according to claim 1 or 11 because the polymap file is stored in a computer readable medium such as a memory.

13. Claims 1-4, 6, 7, 9-20, 22, 23, and 25-37 are rejected under 35 U.S.C. 102(e) as being by anticipated, Niemi, US Patent Application Publication No. 2002/0105531. Niemi cited by applicant in the background of the invention is very pertinent since it teaches zoomable areas of an image and inherently teaches navigation since for the system to respond to clicks on the image correctly, the system needs to know the location of the zoomable areas defined in the database, see Niemi at paragraph 0059. For the system to draw the frames around the zoomable areas the system again needs to know the location of the zoomable areas, see paragraphs 0063 and 0075.

Since the specification does not define "a computer-executable language" written in the first file, then, Niema's data sets or coordinates of the corner meets this newly added claim limitation since they are a language that is executed by a computer.

A detailed analysis of the claims follows.

Claim 1:

Niemi teaches a method of creating a file describing a digital image, comprising the steps of:

defining at least one zoomable area in the image, a zoomable area being defined by characteristics of location of the area in the image and for which additional data are available (See paragraphs 048-066, 0074, 0075 which describes an image having zoomable areas which upon selection by the user zoom to fill the display area used by the image, see paragraph 0052 where the presentation image is the same size as the detailed image.);

writing the characteristics of the at least one zoomable area in a first file (The database file for this image is a file, see paragraphs 0059 step 18, 0063 last sentence.); and

writing in the first file at least one management function function in a computer-executable language (Since the specification does not define "a computer-executable language" written in the first file, then, the polymap instructions meets this newly added claim limitation since they are a language that is executed by a computer.) for navigation in the image (The drawing of the frame is a navigation function since the frame tells the user where the zoomable and non-zoomable areas are located in the images, see paragraphs 0063 and 0075.).

Claim 2:

Niemi teaches the method according to claim 1, wherein the at least one management function relates to at least one area of the image which is not a zoomable area (*The frame relates to zoomable and non-zoomable areas.*).

Claim 3:

Niemi teaches the method according to claim 2, wherein the at least one management function comprises a step of displaying a message (*The type of message is not specifically claimed, thus, the displayed frame defining zoomable areas is a message.*).

Claim 4:

Niemi teaches the method according to claim 2, wherein the at least one management function comprises a step of zooming the at least one area by interpolation (*The continuous zooming uses either interpolation, see paragraph 0057, or by using an extra image, see paragraph 0062.*).

Claim 6:

Niemi teaches the method according to claim 1, wherein the writing of the characteristics is performed by object instancing (*Since the image and area information are grouped and stored into the same database file then object instancing is being performed by the writing into a single database file.*).

Claim 7:

Niemi teaches the method according to claim 1, further comprising the steps of compression of the image and storage of the compression data in a second file (*The alternative method of storing the detailed image appears to be*

inherently stored in a second file, see paragraph 0062.), the compression data enabling reconstruction of the image and further containing the additional data (This detailed image is the additional data for the zoomable area.).

Claim 9:

Niemi teaches the method according to claim 1, wherein the image has a given resolution (*The first web page image has a lower resolution.*) and wherein the additional data define at least one additional resolution for the zoomable area (*The detailed images associated with the zoomable areas define at least one additional resolution for the zoomable area of the first web page.*).

Claim 10:

Niemi teaches the method according to claim 1, wherein the image has a given quality (*The first web page image has a lower resolution and less sharpness, see paragraph 0058.*) and wherein the additional data define at least one additional quality for the zoomable area (*The detailed images associated with the zoomable areas define at least one additional resolution having greater sharpness for the zoomable area of the first web page, see paragraph 0058.*).

Claims 17-20, 22, 23, 25, and 26:

These claims are means plus function device claim version of method claims 1-4, 6, 7, 9, and 10 which claim the same functions of claims 1-4, 6, 7, 9, and 10. Claims 17-20, 22, 23, 25, and 26 are rejected for the same reasons given above for claims 1-4, 6, 7, 9, and 10. Additionally the corresponding means of Niemi are the same as or equivalent to applicants claimed means.

Claim 11:

Niemi teaches a method of reading a file describing a digital image comprising the steps of:

reading characteristics of at least one zoomable area in a first file, a zoomable area being defined by characteristics of location of the area in the image and for which additional data are available (See paragraphs 048-066, 0074, 0075 which describes an image having zoomable areas which upon selection by the user zoom to fill the display area used by the image, see paragraph 0052 where the presentation image is the same size as the detailed image.);

receiving a navigation instruction (As the user moves the mouse pointer over the image and the hovers over and then selects an area of the image that is a zoomable area then the operating system then sends to the application program a selection signal which is the claimed navigation instruction.);

reading at least one management function in a computer-executable language (Since the specification does not define "a computer-executable language" written in the first file, then, the polymap instructions meets this newly added claim limitation since they are a language that is executed by a computer.) for navigation in the image, in the first file (Within the database file is data defining the zoomable areas and this data is read b the program to determine where the zoomable areas are located on the image.); and

executing the at least one management function (The program executes these instructions so the system will be able to determine the location of the

zoomable areas, display a frame around the zoomable areas, not performing the zooming when the non-zoomable area is selected, and performing other tasks such as those outlined in paragraph 0060.).

Claim 12:

Niemi teaches the method of claim 11, further comprising the step of testing compatibility between the navigation instruction and the characteristics of the at least one zoomable area,

wherein the step of executing the at least one management function occurs only if the result of said testing step is incompatibility (When the program determines the mouse pointer is not in a zoomable area other tasks are performed such as those described in paragraph 0060 or simply nothing will occur on the display, both of which meets this claim limitation.).

Claim 13:

Niemi teaches the method according to claim 11, wherein the navigation instruction comprises an instruction included in a list consisting of an instruction to move in the image and a zoom instruction (*Move in the image is discussed at paragraphs 0068-0070 during zooming of the image.*).

Claim 14:

Niemi teaches the method according to claim 11, wherein said step of executing the at least one management function comprises display of a message (*Paragraph 0060 discusses metadata messages and the lack of zooming due to selection of a non-zoomable area is also a displayed message.*).

Claim 15:

Niemi teaches the method according to claim 11, wherein said step of executing the at least one management function comprises a zoom by interpolation in the decoded image (See paragraph 0068-0069 which discusses a *continuous zoom which is performed by interpolation of the decoded image in a zoom area and the detailed image of the zoomed area since the computation of the image in paragraph 0069 inherently involves interpolation.* Also the difference image described at paragraphs 0055-0057, 0066, 0067 uses interpolation to form the zoomed image.).

Claim 16:

Niemi teaches the method according to claim 12, further comprising the step of decompressing said additional data, if the result of the compatibility test is positive (*If the area is zoomable the image data is decompressed at least by the difference method embodiment.*).

Claims 27-32:

These claims are means plus function device claim version of method claims 11-16 which claim the same functions of claims 11-16. Claims 27-32 are rejected for the same reasons given above for claims 11-16. Additionally the corresponding means of Niemi are the same as or equivalent to applicants claimed means.

Claim 33:

Niemi teaches the device according to claim 17, wherein said defining means and said writing means are incorporated in

a microprocessor (*Inherent in the computer running the program.*),
a read only memory containing a program for processing the data
(*Inherent in the computer running the program.*), and
a random access memory containing registers adapted to record the
variables modified during execution of the program (*Inherent in the computer
running the program.*).

Claim 34:

Niemi teaches the device according to claim 27, wherein said reading
means, said receiving means, and said executing means are incorporated in
a microprocessor (*Inherent in the computer running the program.*),
a read only memory containing a program for processing the data
(*Inherent in the computer running the program.*), and
a random access memory containing registers adapted to record
variables modified during execution of the program (*Inherent in the computer
running the program.*).

Claim 35:

Niemi teaches a digital image processing apparatus (*The zooming of
images is image processing.*) adapted to implement the method according to
claim 1 or 11. Additionally the corresponding means of Niemi are the same as
or equivalent to applicants claimed means.

Claim 36:

Niemi teaches a digital image processing apparatus (*The zooming of
images is image processing.*) comprising the device according to claim 17 or 27.

Claim 37:

Niemi teaches an information storage means readable by a computer or by a microprocessor, integrated or not into the device, possibly removable, and storing a program implementing the method according to claim 1 or 11 (See *paragraph 0001 and 0002 which discuss a computer which inherently requires an information storage means storing a program implementing the method.*).).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 5, 8, 21, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over The article by Cheong S Ang, Peter Brantley, Michael Doyle. Polymap: A Versatile Client-Side Image Map for the Web, Proceedings of the Fourth WWW Conference at Boston, Dec 1995, pgs 1-10 describes in detail the polymap system. The article discusses using GIF and JPEG but not the claimed SWF or JPEG2000. Applicants specification discusses these file formats as prior art file formats that applicant uses to store the image and navigation information. It would have been obvious to one of ordinary skill in the art to use SWF or JPEG2000 rather than the older GIF or JPEG because the newer file formats are more likely to work with the customer's computer's software.

16. Claims 5, 8, 21, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niemi, US Patent Application Publication No. 2002/0105531. This reference is silent concerning the file types used to store the image in the database thus it does not discuss the claimed SWF or JPEG2000. Applicant's specification discusses these file formats as prior art file formats that applicant uses to store the image and navigation information. It would have been obvious to one of ordinary skill in the art to use SWF or JPEG2000 because these newer file formats are more likely to work with the customer's computer's software.

Prior Art

17. The following technical information is considered pertinent to applicant's disclosure. The polymap article makes reference to ISMAP which is used to make areas of an image interactive. ISMAP uses two files one an image file and another the imagemap file. However, these files are activated from one file, the HTML web page file, which has computer executable language that causes the client computer to retrieve the image and process mouse click points. In the server side version of imagemap the server has the HTML file, the image file, and the imagemap file. The client sends to the server the mouse click points and performs the interactive processing. Refer to

<http://hoohoo.ncsa.uiuc.edu/docs/tutorials/imagemapping.html>

which a portion of this web page describes :

NCSA Imagemap Tutorial

Eternal gratitude to Kevin Hughes, *kevinh@pulua.hcc.hawaii.edu*, for his code to find intersections of points with circles and polygons.

This document is a step-by-step tutorial for designing and serving graphical maps of information resources with either the external imagemap CGI script or with the built in imagemap support in NCSA HTTPd 1.5. Through such a map, users can be provided with a graphical overview of any set of information resources; by clicking on different parts of the overview image, they can transparently access any of the information resources (possibly spread out all across the Internet).

and refer to <http://www.utoronto.ca/webdocs/HTMLdocs/NewHTML/serv-ismap.html>

which a portion of this web page describes :

9.2 Use of ISMAP by an HTTP Server Script

The ISMAP attribute for the IMG element lets you turn an image into a graphically active element. This means that you can select regions of the image by clicking the mouse on them, and that clicking on different regions will cause the server to take different actions.

Conceptually this is done by creating, on the HTTP server, a map between certain regions and the corresponding action. These regions can be specified as boxes, circles, or inscribed polygons.

Then, when you click on the image, the coordinates of your click are sent down to a program on the server that looks in this database for the action associated with those coordinates.

The program then returns a message back to the browser that tells the browser which document it should access. This is known as a *server redirect* message, and is one of the standard messages of the HTTP protocol.

Client side imagemaps are more efficient than the above noted server side image maps since all of the files are processed by the client and the interaction is processed at the client. Refer to <http://www.ihip.com/csde.html> which web page in its entirety describes:

Client-side ImageMaps

Client-side imagemaps do not require the presence of a server-side script in order to interpret the coordinates of the "hot" regions of your multi-clickable image. The client-side imagemap is much more efficient than the server-side imagemap and it allows the visitor to see the actual URL associated with the mapped regions in the status bar of their web browser.

1. Download a mapping program to create a map file based on the desired image. The map file will contain the coordinates of each clickable region. We recommend MapEdit (PC) and WebMap (Mac), but other imagemapping tools may also be available.
2. Map out the hotspots using one of these programs and select the map file format "Client-side imagemap" as opposed to NCSA or CERN (for server-side maps) prior to saving the file.

Here is a sample client-side map file created using MapEdit:

```
<map name="sample">
<area shape="rect" coords="20,27,82,111" href="hotspot1.html">
<area shape="circle" coords="129,113,29" href="hotspot2.html">
<area shape="rect" coords="21,158,170,211" href="mailto:webmaster@ihip.com">
<area shape="default" nohref>
</map>
```

3. Include the map file code within the desired HTML document and reference it like so:

```

```

4. Substitute the name of the desired image above and note the relationship between the HTML tag, <map name="sample"> and the usemap="#sample" attribute above. You can test your new client-side imagemap offline if the links refer to files on your local PC.

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is (571) 272-7656. The examiner can normally be reached on M-F from 7:00 to 3:30. If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Michael Razavi, can be reached at (571) 272-7664. The fax phone Number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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